

Amend.
variable packet size of the packets of image data to be transmitted in the packet transmission step, according to a detection result of the detection step.

REMARKS

This application has been reviewed in light of the Office Action dated July 27, 2000. Claims 1-14 remain pending in this application, and have been amended to define more clearly what Applicant regards as his invention. Claims 1, 13, and 14 are in independent form. Favorable reconsideration is requested.

The Office Action rejected Claims 1-3, 8-10, and 13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,889,921 (Sugiyama et al.). Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugiyama et al. The Office Action rejected Claims 4-7, 11, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Sugiyama et al. in view of U.S. Patent No. 5,375,068 (Palmer et al.).

Applicant respectfully submits that independent Claims 1, 13, and 14, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is directed to a communication apparatus. The apparatus

includes a packet transmitter for transmitting image data in packets and for selectively transmitting sound data in packets. The sound data is divided into packets of invariable packet size, and the image data is divided into packets of variable packet size.

The apparatus also includes a detector for detecting an amount of sound data to be transmitted in packets, and a controller for controlling the variable packet size of the packets of image data to be transmitted by the packet transmitter, according to a detection result of the detector.

One important feature of Claim 1 is that the packet size of the image data is variable and depends on the detected amount of data in the packets of sound data.

Sugiyama et al., as understood by Applicant, relates to a digital video/audio recording and reproducing apparatus. Apparently, Sugiyama et al. teaches that the apparatus records/reproduces signals at a predetermined transfer rate. The Sugiyama et al. apparatus does not perform communication, but merely records/reproduces signals.

Applicant submits that Sugiyama et al. fails to teach a transmitter or a receiver. The Office Action states that somewhere in Fig. 11 there is shown a transmitter and a receiver. According to our understanding of Sugiyama et al., however,

nothing in Fig. 11 shows or suggests such elements.

In addition, nothing has been found in Sugiyama et al. that teaches or suggests a communication apparatus that includes "a detector for detecting an amount of sound data to be transmitted in packets; and a controller for controlling the variable packet size of the packets of image data to be transmitted by said packet transmitter, according to a detection result of said detector," as recited in Claim 1. By virtue of this feature, the image data is divided into a packet size that varies depending on the packet size of the sound data. This enables the timing of the sound data to be nearly the same as the timing of the image data, so that when a user hears sound corresponding to the sound data and sees an image corresponding to the image data the sound and the image coincide without any noticeable time lag. (See pages 8-11 of the specification.)

As best understood by Applicant, Sugiyama et al. discloses that both image data and sound data are encoded, and the reduction rates of the image data encoder and the sound data encoder are controlled so that the total amount of sound data and image data is of a constant (invariable) size. That is, both the sound data and the image data may be of variable size, but the total amount of sound data and image data is of invariable size. (See, for example, column 3, line 56 to column 4, line 14.)

In the communication apparatus of Claim 1, however, the packet size of sound data is invariable, while the packet size of image data is variable. Therefore, the total amount of data for a packet of sound data and a packet of image data is of variable size. Thus, it appears that Sugiyama et al. may actually teach away from Claim 1. Accordingly, Applicant submits that Claim 1 is not anticipated by Sugiyama et al., and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e).

Independent Claims 13 and 14 are method and computer memory medium claims corresponding to Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything that, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other rejected claims in this application depend from Claim 1, discussed above, and are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on

its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

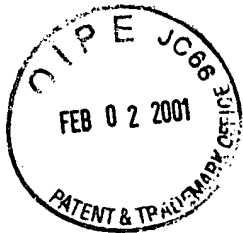
Respectfully submitted,


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Application No. 09/057,556
Attorney Docket No. 35.G2163

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

1. (Amended) A communication apparatus comprising:
a packet transmitter [transmitting means] for
transmitting image data in packets and for selectively
transmitting sound data in packets, wherein the sound data is
divided into packets of invariable packet size and the image data
is divided into packets of variable packet size;

[detecting means] a detector for detecting an amount of
sound data to be transmitted in packets; and

[control means] a controller for controlling [a] the
variable packet size of the packets of image data to be
transmitted [in packets] by said packet [transmitting means]
transmitter, according to a detection result of [detection
performed by] said [detecting means] detector.

2. (Amended) A communication apparatus according to
Claim 1, wherein said [control means] controller changes the
packet size of the image data gradationally according to the
amount of the sound data to be transmitted in packets.

3. (Amended) A communication apparatus according to Claim 1, wherein said [control means] controller changes the packet size of the image data according to whether the amount of the sound data to be transmitted in packets is zero or non-zero.

4. (Amended) A communication apparatus according to Claim 1, further comprising an image input [means] unit for inputting the image data by photographing an image.

5. (Amended) A communication apparatus according to Claim 4, wherein said image input [means] unit includes one of a motion-picture camera and a still-picture camera.

6. (Amended) A communication apparatus according to Claim 1, further comprising a sound input [means] unit for inputting the sound data.

7. (Amended) A communication apparatus according to Claim 6, wherein said sound input [means] unit includes a microphone.

8. (Amended) A communication apparatus according to

Claim 1, further comprising [compressing means] a compression unit for compressing at least one of the image data and the sound data.

9. (Amended) A communication apparatus according to Claim 1, further comprising [receiving means]:

a receiver for receiving image data and sound data transferred in packets; and

[playing means] a player unit for playing the image data and the sound data received by said [receiving means] receiver.

10. (Amended) A communication apparatus according to Claim 9, wherein said [playing means] player unit includes [expanding means] an expansion unit for expanding the received image data and the received sound data.

11. (Amended) A communication apparatus according to Claim 9, wherein said [playing means] player unit includes a display [which makes] for visibly displaying an image corresponding to the received image data [visible].

12. (Amended) A communication apparatus according to Claim 9, wherein said [playing means] player unit includes a speaker for outputting sound corresponding to the received sound data.

13. (Amended) A communication method comprising:
a packet [transmitting] transmission step [for] of transmitting image data in packets and [for] of selectively transmitting sound data in packets, wherein the sound data is divided into packets of invariable packet size and the image data is divided into packets of variable packet size;

a [detecting] detection step [for] of detecting an amount of sound data to be transmitted in packets; and

a control step [for switching the] of controlling the variable packet size of the packets of image data to be transmitted [in packets] in said packet [transmitting] transmission step, according to a detection result of said detection [in said detecting] step.

14. (Amended) A computer-readable recording medium storing[, in a readable state for a computer,] a program for [having] a communication method of a communication apparatus

[implement steps], the program comprising:

program code for a packet [transmitting] transmission
step [for] of transmitting image data in packets and [for] of
selectively transmitting sound data in packets, wherein the sound
data is divided into packets of invariable packet size and the
image data is divided into packets of variable packet size;

program code for a [detecting] detection step [for] of
detecting an amount of sound data to be transmitted in packets;
and

program code for a control step [for] of controlling
[a] the variable packet size of the packets of image data to be
transmitted in [packets in said] the packet [transmitting]
transmission step, according to a detection result of the
detection [in said detecting] step.